

REMARKS

Claims 1-75 were presented for examination and were pending in this application. In the latest Office Action, claims 1-75 were rejected. With this amendment, claims 1, 23, 45, 46, and 75 are amended. On the basis of the following remarks, consideration of this application and allowance of all pending claims are requested.

The claimed invention is directed at automating the servicing of customers located at various service locations in a business establishment. For example, claim 1 recites a system that selects a primary service attendant to provide service for a customer at a service location in a business establishment. The system then communicates a message to the selected service attendant, which informs the service attendant what event needs to be serviced at which service location in the business establishment. This allows the selected service attendant (who may be located anywhere in the business establishment) to go to the customer and provide customer service at the service location as needed. In this way, as events occur in various service locations throughout a business establishment, the service attendants can be efficiently dispatched according to a set of business rules to deal with the customers' needs as they arise.

The claims were rejected as anticipated or made obvious by U.S. Patent No. 6,070,142 to McDonough, either alone or in combination with other references. Applicants respectfully assert that the claims are patentable over the cited references.

As an initial matter, it is noted that the examiner gave no patentable weight to the limitations previously added to the preamble of the independent claims. In so doing, the examiner reasoned that the added language merely recited a purpose or intended use. Applicants respectfully disagree. The language added to the preamble was "where each service location is a

physical location in a business establishment.” This language, in the context of the entire claim, limits the term “service location” as it is used throughout the claim body. Specifying that the service location must be a physical location in a business establishment is a structural limitation, as it defines a class of service locations that can satisfy the claim language. MPEP § 211.02 (“Any terminology in the preamble that limits the structure of the claimed invention must be treated as a claim limitation”). This is not merely an intended use or purpose (which in claim 1, for example, is recited as “for providing service to customers at service locations”). Nevertheless, to avoid any uncertainty, Applicants have amended the claims to move the limitation from the preamble to the body of the claims.

McDonough describes a virtual call center for providing services to customers who request service from remote locations. Whereas the claimed invention provides services to customers at various service locations in a business establishment, McDonough is expressly directed to providing service to customers at remote locations. See McDonough, col. 3, lines 18-21. This is a key distinction. Because McDonough’s customers are not located at specific service locations in a business establishment, McDonough does not face the problem of dispatching service attendants to the various locations in a business establishment to service the events. Because of the difference between McDonough’s service locations and those in the claimed invention, McDonough’s system does not provide the claimed capability.

Moreover, Applicants respectfully note that this deficiency in McDonough cannot be cured by resort to additional references. There is a fundamental difference in purpose between McDonough’s virtual call center and the claimed dispatching system — a difference that makes any attempt to modify McDonough to achieve the claimed invention highly suspect. McDonough is simply a call center, not a system for dispatching service attendants throughout a

business establishment. McDonough is expressly directed at providing service to customers at *remote* locations in a *virtual* environment. There would have been no motivation to modify McDonough against the expressly taught motivations in that reference. And given its distinct purpose, McDonough's disclosure in the field of call center technology is not analogous art to the claimed dispatching systems. An obviousness rejection using McDonough as a primary reference, therefore, would be motivated only by hindsight.

In addition, it would not have been obvious to one of skill in the art to modify McDonough to achieve the claimed dispatching system because success in such a venture would destroy a principle of operation of McDonough. McDonough connects customer service providers located in call centers with remote customers in different locations. Modifying this virtual call center to dispatch service attendants to locations in a business establishment would destroy this purpose and a principle of operation of McDonough. McDonough would no longer address the problem to which it is directed: "connecting any customer to any sales and service resource through any access method at any time from any customer location." (McDonough, col. 3, lines 57-59.) Where a proposed modification of a reference would change a principle of operation of that reference, an obviousness rejection cannot be maintained thereon. MPEP § 2143.03; *In re Gordon*, 733 F.2d 900 (Fed. Cir. 1984). Accordingly, McDonough cannot be modified under § 103 to achieve the claimed dispatching system.

For the foregoing reasons, McDonough cannot serve as the primary reference for an obviousness rejection of the claims as amended. The claims are thus novel over McDonough as well as nonobvious over any combination of McDonough and the other references of record.

Based on the foregoing, the application is in condition for allowance of all claims, and a Notice of Allowance is respectfully requested. If the examiner believes for any reason direct

contact would help advance the prosecution of this case to allowance, the examiner is encouraged to telephone the undersigned at the number given below.

Respectfully submitted,

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